

REMARKS

By this Amendment, claim 18 is amended, and claims 61 and 63-72 are canceled.
No new matter is added.

Allowable Subject Matter

Applicant acknowledges with thanks the Examiner's indication that claims 23, 52, and 59 recite allowable subject matter.

Claim Rejections: 35 U.S.C. § 103(a)

Claims 3, 18, 20-22, 24, 36-40, 43-45, 47-51, 54-58, 60, and 62 were rejected under 35 U.S.C. § 103(a) as reciting subject matter unpatentable over the Siccprotect trade materials in view of WO 98/32421.

Applicant asks the Examiner to reconsider and withdraw this rejection because all pending claims call for the use of soft/day contact lenses, which are contraindicated for use with Siccprotect.

The Examiner stated at the bottom of page 2 of the office action (continuing to p. 3) that the Siccprotect "[t]radename information does not address the issue of the kind of contact lens to be disinfected." But the Examiner is mistaken. Heading 5 in document D1, "Contraindications" states "Siccprotect® is not to be used when wearing soft contact lenses." Similarly, the last sentence in the "Contraindications" section of document D3 states "Soft (hydrophilic) contact lenses should not be worn while Siccprotect® is being used."

Thus, the Siccprotect documents make quite clear that Siccprotect must not be used with soft contact lenses. Yet the present claims specifically require use of soft lenses. The Examiner cannot ignore the soft-lens contraindication in Siccprotect; it is a clear and unresolvable difference between the cited art and the claimed subject matter. Because "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention" (M.P.E.P. § 2141.03(VI), emphasis in original), and because the Siccprotect materials permit

absolutely no use with soft lenses, the Examiner cannot base an obviousness rejection of the pending claims on the Siccprotect materials.

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